

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID RUCKER, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:09CV670 CDP
)	
US FIDELIS, INC., et al.,)	
)	
Defendants.)	


MEMORANDUM AND ORDER

This matter is before me on defendants’ motion to dismiss plaintiffs’ claims for failure to state claims under Missouri law and for failure to plead fraud with particularity. Plaintiffs oppose dismissal, but seek leave to amend their complaint “should the Court be inclined to grant” the motion to dismiss. I will construe plaintiffs’ opposition as a motion for leave to amend and grant plaintiffs leave to amend their complaint. However, any future motions for leave to amend shall be accompanied by a proposed amended complaint for the Court’s consideration.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs are granted leave to file an amended complaint no later than ten (10) days from the date of this Order.

IT IS FURTHER ORDERED that defendants' motion to dismiss [#7] the complaint is denied as moot.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 19th day of June, 2009.